

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:	) Chapter 11
	) Bankruptcy Court
W. R. GRACE & CO., et al., <sup>1</sup>	) Case No. 01-01139 (KJC)
	) (Jointly Administered)
Reorganized Debtors.	)
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In re: W. R. GRACE & CO., et al.	)
	)
ANDERSON MEMORIAL HOSPITAL,	) Civil Action No. 09-419 (RLB)
	)
Appellant,	) Bankruptcy No. 01-1139
	) Bankruptcy Appeal No. 09-34
v.	)
W. R. GRACE & CO., et al.	)
	)
Appellees.	)
<hr/>	
In re: W. R. GRACE & CO., et al.	)
	)
ANDERSON MEMORIAL HOSPITAL,	) Civil Action No. 09-421 (RLB)
	)
Appellant,	) Bankruptcy No. 01-1139
	) Bankruptcy Appeal No. 09-36
v.	)
W. R. GRACE & CO., et al.	)
	)
Appellees.	)

FILED  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2015 JUN 29 PM 1:26

**STIPULATION REGARDING MEDIATION FOR  
ANDERSON MEMORIAL HOSPITAL APPEAL NOS. 09-419 AND 09-421**

WHEREAS, Anderson Memorial Hospital ("AMH") has appealed rulings by the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") dated April 13,

<sup>1</sup> The Reorganized Debtors are W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.) and W. R. Grace & Co.-Conn.

Date 6/17/15  
Docket # 17  
Case No.: 09-419

Date 6/17/15  
Docket # 16  
Case No.: 421

2009 (Memorandum Order, *inter alia*, Reducing AMH's Class Claims to Zero, Bankr. Ct. Dkt. No. 21257, Dist. Ct. Appeal No. 09-419) and April 27, 2009 (Order Disallowing and Expunging AMH's ZAI Class Proof of Claim, Bankr. Ct. Dkt. No. 21406, Dist. Ct. Appeal No. 09-421) (collectively, the "AMH Appeals").

WHEREAS, on December 3, 2014, the District Court ordered that a mediator be appointed for the AMH Appeals.

WHEREAS, on January 5, 2015, counsel for AMH and Reorganized Debtors W. R. Grace & Co., et al. ("Grace") conferred with the appointed mediator, Vincent J. Poppiti. The parties noted that a motion that is closely related to the AMH Appeals is pending in the Bankruptcy Court, specifically, AMH's *Motion to Alter or Amend Order Denying Motion for Class Certification and for Entry of Scheduling Order and Granting Related Relief* (the "Motion") (Bankr. Ct. Dkt. No. 31812). The parties agreed that the results of the Bankruptcy Court hearing on the Motion may provide useful direction with respect to issues implicated in the AMH Appeals. Accordingly, with the mediator's agreement, on January 8, 2015, and March 9, 2015, the parties filed a Stipulation and an Amended Stipulation with this Court providing that the mediation of the AMH Appeals shall be held in abeyance until after the hearing in the Bankruptcy Court on the Motion. (Dkt. Nos. 13 and 16)

On April 15, 2015, the Bankruptcy Court held a hearing on the Motion and took the Motion under advisement. On May 5, 2015, the Bankruptcy Court issued an Order denying AMH's discovery request and directing the parties to submit a proposed scheduling order regarding filing briefs on the issue of class certification. (Bankr. Ct. Dkt. 32560) On June 5, 2015, the parties submitted a proposed scheduling order for the filing of briefs and a hearing on the issue of class certification. On June 8, 2015, the Bankruptcy Court entered an Order

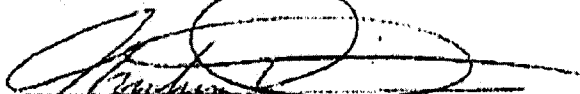
approving said stipulation, and thereby approved the proposed briefing schedule and timing of the hearing. (Bankr. Ct. Dkt. 32571) The schedule calls for briefing on the Motion to be completed in December 2015 and a hearing on the Motion to be held on the first Bankruptcy Court omnibus hearing date that is at least fifteen (15) business days after completion of briefing, or such other date as may be agreed upon by the parties and the Bankruptcy Court or ordered by the Bankruptcy Court.

Therefore, with respect to the AMH Appeals, IT IS HEREBY STIPULATED AND AGREED, by, between, and among the undersigned, the attorneys of record for Grace and AMH, and with approval of the appointed mediator and subject to the approval of the Court, that:

- 1) The mediation of AMH's Appeals shall be held in abeyance until after the hearing in the Bankruptcy Court; and
- 2) Shortly after the hearing, the parties shall meet and confer regarding next steps with respect to the mediation of the AMH Appeals; and
- 3) Shortly thereafter, one or both of the parties shall contact the mediator, Judge Poppiti, to arrange for a conference call to discuss next steps with respect to the mediation of the AMH Appeals.

Dated: June 17, 2015

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APPROVED AND SO ORDERED BY THE COURT

  
RONALD L. BUCKWALTER, S.J.

Dated: June 23, 2015